

REMARKS

Responsive to the restriction requirement imposed in the outstanding Official Action of January 12, 2004, applicant provisionally elects Group IA, claims 1-10, 15-17, and 27, with traverse.

As to the sequence election requirement, applicant provisionally elects SEQ ID NO. 1.

Applicant notes that the same claims as pending in the present national stage application were subject to examination during the international phase of the PCT application. The International Examiner found no lack of unity, applying the same legal standard to the identical facts. As a result, applicant believes that the U.S. Patent Office cannot now contend that examination of all the pending claims in the present application would pose an undue searching burden. Indeed, the U.S. Examiner has a considerable benefit of the search results generated by the International Examiner, on the basis of the pending claims.

Moreover, the Official Action does not explain why, applying the identical legal standard to the identical claims, the opposite result is now being reached in the present U.S. national phase application relative to the international application.

As to the sequence election requirement, the Examiner is respectfully reminded that the U.S. Patent and Trademark

Office publishes its policy for the examination of patent applications containing sequence listings in the Official Gazette, 11920.g.68 (November 19, 1996). Applicant notes that in establishing the new policy, the Commissioner has partially waived the requirements of 37 CFR §1.41 and will put a reasonable number of sequences to be claimed and examined in a single application. Under this policy, up to ten sequences may be examined in a single application without restriction. Indeed, applicant believes that an examination of the sequences found in the present claims is in order.

At the very least, applicant respectfully submits that SEQ ID NOS. 1-3 should be examined together. SEQ ID NOS. 1-3 are directed to CDNAs which are functionally very similar and of approximately equal length. As a result, applicant does not believe that the examination of SEQ ID NOS. 1-3 places a burden on the Examiner and respectfully requests the examination of SEQ ID NOS. 1-3.

In light of the above discussion, therefore, it is believed that applicant is entitled to an action on the merits of all the claims, in their full scope, in the present application. Such action is accordingly respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

Application No. 09/831,142
Response dated February 12, 2004
Reply to Office Action of January 12, 2004
Docket No. 3003-1055

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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